

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37602 of 2020

Arising Out of PS. Case No.-89 Year-2020 Thana- NASRIGANJ District- Rohtas

Gautam Kumar, male, aged about 26 years, son of late Surendra Sah, resident of Village and P.S.- Godari Karakat, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Siddharth Harsh, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 08-02-2021

Heard Mr. Siddharth Harsh, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Nasriganj PS Case No.89 of 2020 dated 07.06.2020 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that from the Tata Indigo car bearing Delhi registration on which three persons were sitting, when the police asked them to stop, they tried to run away leaving behind the vehicle and only the petitioner was arrested and on search 240.6 litres of Indian made foreign liquor was recovered from the dicky and the seat.



4. Learned counsel for the petitioner submitted that he has been falsely implicated in the case. It was submitted that the petitioner while returning home had taken lift in the car not knowing what was there and has wrongly been charged. Learned counsel submitted that the petitioner has no criminal antecedent and is in custody since 08.06.2020.

5. Learned APP submitted that the petitioner was one of the persons, who were travelling in the car from which liquor was seized and had tried to run away, but was caught by the police from the spot.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram, in Nasriganj PS Case No.89 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in



violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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